

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAUL CAREY,

Plaintiff,

v.

NATION POINT LOAN SERVICES, *et. al.*,

Defendants.

Case No. 09-13003

Honorable John Corbett O'Meara

ORDER GRANTING DEFENDANTS' FEBRUARY 16, 2011 MOTION TO DISMISS

This matter came before the court on defendants Nation Point Loan Services and Home Loan Services' February 16, 2011 motion to dismiss. The court ordered plaintiff Paul Carey to file a response to the motion by March 14, 2011; however, Plaintiff failed to respond. Pursuant to Local Rule 7.1(e)(2), no oral argument was heard.

Plaintiff Carey filed this action July 29, 2009, and filed an amended complaint September 14, 2009. The court ordered the parties to either file a Rule 26(f) plan or appear at a scheduling conference September 23, 2010. The court also ordered Plaintiff to convene a conference with all counsel for the purposes of preparing a joint discovery plan. Plaintiff failed to submit a Rule 26(f) plan and failed to appear for the September 23, 2010 scheduling conference. Pursuant to Rules 16(f)(1)(A) and 34(b)(2) of the Federal Rules of Civil Procedure, the court may dismiss an action as a sanction for a party's failure to appear at a scheduling conference or other pretrial conference.

In addition, plaintiff Carey failed to file a response to Defendants' current motion to dismiss as ordered by the court; and he has taken no action in this suit for over a year and a half. Carey has

failed to conduct any discovery whatsoever, and it appears as though he has simply abandoned this case. Therefore, the court will grant Defendants' motion to dismiss.

ORDER

It is hereby **ORDERED** that Defendants' February 16, 2011 motion to dismiss is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: March 18, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 18, 2011, using the ECF system and upon Paul Carey at 5322 Jamestown Road, Grand Blanc, Michigan 48439-7704 by first-class U.S. mail.

s/William Barkholz
Case Manager